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LIST

OF MORE RECENT WORKS ON

FEDERAL CONTROL OF COMMERCE AND CORPORATIONS

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Chief Bibliographer

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GOVERNMENT PRINTING OFFICE
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LIST OF MORE RECENT WORKS ON FEDERAL CONTROL OF COMMERCE AND CORPORATIONS.

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Philadelphia: American academy of political and social science, 1905. (2), 173 pp. 4°. (The annals of the American academy of political and social science. vol. XXVI, no. 3.)

— The scope and limits of federal antitrust legislation: Addresses at the eighth annual meeting, and papers by James M. Beck . . . Charlton T. Lewis . . . James Wilford Garner.

Philadelphia: American academy of political and social science; London: P. S. King & Son; [etc.] 1904. (4), 89-147 pp. 8°. (Publications of the American academy of political and social science, no. 430.)

CONTENTS.

The federal power over trusts, by J. M. Beck; The scope and limits of congressional legislation against the trusts, by C. T. Lewis; The Northern securities case, by J. W. Garner.

Ames, Herman Vandenburg, *ed.* State documents on federal relations: the states and the United States.

Philadelphia: The department of history of the University of Pennsylvania, 1906. (4), 3-7, 320 pp. 12°.

Part III. State taxation as affecting commerce: Taxation of imports and exports; Duties of tonnage; Taxation of property; Privilege and occupation taxes; Taxation of corporate franchises; Discrimination by taxation.

Beale, Joseph Henry, *jr.* The law of railroad rate regulation, with special reference to American legislation.

Boston: W. J. Nagel, 1906. lii, 1285 pp. 8°.

Calvert, Thomas H. Regulation of commerce under the federal constitution.

Northport, Long Island, N. Y.: Edward Thompson company, 1907. xiv, 380 pp. 8°. (Studies in constitutional law.)

CONTENTS.—Part I. The constitutional provisions and the general power of Congress and the states: The constitutional provisions generally; The general power of Congress; The general power of the states. Part II. Subjects of regulation: Manufacture and production; Sale, purchase, and exchange of commodities; Transportation of persons and property generally; Railroad and express companies; Telegraph and telephone companies; Navigation and navigable waters; Ships and shipping; Bridges; Sundry subjects of regulation; Discriminative state statutes.

Cowan, S. H. Government regulation of interstate commerce.

(In National live stock association. Proceedings. Eighth annual convention, 1905, pp. 93-111. Denver, 1905. 8°.)

Fink, Henry. Regulation of railway rates on interstate freight traffic. 2d ed.

New York: The Evening post job printing office, 1905. v, 236 pp. 8°.

CONTENTS.—I. Regulation by the railroads, or self-government. II. Regulation by federal government. III. Additional legislation.

Freund, Ernst. The police power, public policy and constitutional rights.

Chicago: Callaghan & company, 1904. xcii, [2], 819 pp. 8°.

"The federal government and the police power," pp. 62-83.

Haines, Henry Stevens. Railway corporations as public servants.

New York, London: The Macmillan company, 1907. ix, 233 pp. 8°.

After an exposition of the evolution of the public service performed by railroad corporations, the author considers the present relations between the railroad companies, the people, and the federal government with view to the regulation of railway service.

Harts, William W. The control of hydraulic mining in California by the federal government.

(In American society of civil engineers. Proceedings, vol. 32, Feb., 1906, pp. 95-124. New York, 1906. 8°.)

Hendrick, Frank. The power to regulate corporations and commerce; a discussion of the existence, basis, nature, and scope of the common law of the United States.

New York and London: G. P. Putnam's sons, 1906. lxxii, 516 pp. 8°.

Jenks, Jeremiah W. How Congress may control trusts.

(*In La Follette, Robert M. ed. The making of America, vol. 3, pp. 222-230. Chicago, 1906. 8°.*)

Jones, Paul. The commercial power of Congress.

New York: Private printing [press of C. S. Nathan] 1904. (6), 245 pp. 8°.

Judson, Frederick Newton. The law of interstate commerce and its federal regulation.

Chicago: T. H. Flood & co., 1905. xix, 509 pp. 8°.

Marburg, Theodore. State interference.

(*In American political science association. Proceedings at its second annual meeting, pp. 187-197. Lancaster, Pa., 1906. 8°.*)

Meade, Edward Sherwood. Trust finance; a study of the genesis, organization, and management of industrial combinations.

New York: D. Appleton and company, 1903. ix, 387, (2) pp. 12°. [Appletons' business series.]

"The first essential to . . . reform in our corporation law is national control of all our corporations."

Noyes, Walter Chadwick. American railroad rates.

Boston: Little, Brown, and company, 1905. (10), 277 pp. 8°.

This writer is a judge of the court of common pleas in Connecticut, and a railroad president. Argues that the railroads should favor conservative legislation. In a chapter on "Federal regulation" he discusses effective legislation and proposes:

First. A special court should be created in accordance with the constitutional provisions concerning the federal judiciary. Complaints made by persons aggrieved—or in their behalf by a public official or board—that specific railroad rates upon interstate traffic are unreasonable and unjust should be presented to this court. After speedy notice to the carrier the court should summarily inquire into the reasonableness of the rate complained of. If found reasonable, the complaint should be dismissed; if found unreasonable, the court should enjoin its further collection. This would end the function of the court.

Patterson, Christopher Stuart. *The United States and the states under the constitution.* 2d ed., with notes and references to additional authorities, by Robt. P. Reeder.

Philadelphia: T. & J. W. Johnson & co., 1904. xli, 347 pp. 8°.

Prentice, Ezra Parmalee. *The federal power over carriers and corporations.*

New York, London: The Macmillan company, 1907. xi, 244 pp. 8°.

The writer reviews the history of state and federal legislation regarding transportation with copious citations to support his thesis denying the right of federal regulation of carriers under the commerce clause of the Constitution.

Smythe, William E. *Constructive democracy, the economics of a square deal.*

New York: The Macmillan company, 1905. viii, 457 pp. 8°.

"The taming of monopoly," pp. 53-260; "Mr. Garfield's propositions," pp. 176-185.

Snyder, William Lamartine. *The interstate commerce act and federal anti-trust laws, including the Sherman act; the act creating the Bureau of corporations; the Elkins act; the act to expedite suits in the federal courts; acts relating to telegraph, military, and post roads; safety appliance law affecting equipment of cars used in inter-state commerce, with all amendments.* With comments and authorities and a Supplement.

New York: Baker, Voorhis & company, 1906. 2 vol. *Frontispiece. Map.* 8°.

Vol. 2 has title: *Supplement to Snyder's Interstate commerce act and federal anti-trust laws embracing the Railway rate bill approved June 29, 1906, . . . including also the Employers' liability bill, Pure food bill, Meat inspection bill, and Hall-mark or Jewelers' library bill. . . .*

Spelling, Thomas Carl. *Bossism and monopoly . . .*

New York: D. Appleton and company, 1906 [1905]. ix, [1], 358 pp. 12°.

"Government activity to meet rapidly changing conditions . . . is the crying need of the hour. Governmental passiveness means national death."

Stickney, Alpheus Beede. *The defects of the interstate commerce law.* An address by A. B. Stickney at a meeting of the Washington economic society.

[*Washington?* 1905.] 25 pp. 8°.

United States. *Bureau of Corporations.* Report of the Commissioner of corporations. December, 1904.

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Recommends a Federal franchise or license system for interstate commerce. Contains the following appendices: Appendix A. Federal incorporation—can Congress create corporations to engage in Interstate commerce and also grant them franchises to produce? Appendix B. Federal franchise system for interstate commerce. Appendix C. Consideration of details.

— Report of the Commissioner of corporations on the transportation of petroleum. May 2, 1906.

Washington: Government printing office, 1906. xxvii, 512 pp. Maps. Facsimiles. Diagrams. 8°.

— *Congress. House. Committee on interstate and foreign commerce.* Hearings before the Committee on interstate and foreign commerce of the House of representatives on H. R. 10431, 6273, 6768, 7640, 10008, 11434, 11594, 13778, 12767, 15600, 16301, to amend the interstate-commerce law. [Dec. 9, 1904—Jan. 25, 1905.]

Washington: Government printing office, 1905. 411 pp. 8°.

— Hearings before the Committee on interstate and foreign commerce of the House of representatives on bills to amend the interstate-commerce act. House report 4093; Amending the interstate-commerce act; The antitrust act, and acts supplementary thereto.

Washington: Government printing office, 1905. (2), 411, 282, 19, 46 pp. 8°. (58th Congress, 3d session. House document no. 422.)

CONTENTS.—Proposed enlargement of the powers of the Interstate commerce commission; To amend the interstate-commerce law relating to private car lines. Amending the Interstate-commerce act; The act to regulate commerce (as amended), and acts supplementary thereto; The Antitrust act, and acts supplementary thereto, 1887—1905.

— Powers of the Interstate commerce commission . . . Report. [To accompany H. R. 12987.]

Washington: Government printing office, 1906. 30 pp. 8°. (59th Congress, 1st session. House Rept. 591.)

Submitted by Mr. Hepburn. Ordered printed, Jan. 27, 1906.

— *House. Committee on the judiciary.* National incorporation law. Hearing before the House committee on the judiciary. February 10, 1904.

Washington: Government printing office, 1904. 3 pp. 8°.

Contains statement by F. B. Thurber.

United States. House. Committee on the judiciary. Hearing before the Committee on the judiciary of the House of Representatives, 59th Congress, 1st session [February 21-March 20, 1906] in relation to H. R. 3159, H. R. 13655, H. R. 13856, H. R. 16479. . . .

Washington: Government printing office, 1906. 316 pp. 8°.

Bills concerning the transportation of intoxicating liquors from one state or territory into another state or territory.

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— — — — — **Senate. Committee on interstate commerce.** Duties and powers of the Interstate commerce commission. Hearings, December 16, 1904, and subsequently.

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— — — — — "Railway freight rates and pooling." Hearings before the Committee on interstate commerce, United States Senate [Feb. 7, April 17, 1902] having under consideration the bills (S. 3521) "to enlarge the jurisdiction and powers of the Interstate commerce commission," introduced Feb. 4, 1902, by Mr. Elkins; and (S. 3575) "to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof," introduced February 5, 1902, by Mr. Nelson. Vol. 1.

Washington: Government printing office, 1902. xix, (1), 210, 28 pp. 8°.

Pp. 1-28, Appendix, has separate title-page: The act to regulate commerce, as amended, together with acts supplementary thereto. *Washington: Government printing office, 1895.*

— — — — — Regulation of railway rates. Hearings before the Committee on interstate commerce, Senate of the United States, December 16, 1904 . . . —[May 23, 1905] on bills to amend the interstate commerce act. . . .

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United States Senate, in special session, pursuant to Senate resolution no. 288, Fifty-eighth Congress, third session . . . Vol. 5, Regulation of railway rates. Appendices. Hearings [etc.].

CONTENTS.—Testimony, December 16, 1904—February 23, 1905—Private car line systems.—Resolutions, petitions, memorials, and letters of legislatures, boards of trade, chambers of commerce, and others [continued, vol. 4, p. 3785-3795].—Partial list of bonds and stocks of railroads held by savings banks, insurance companies, and other institutions in 1900.—Bills relating to interstate commerce and the Interstate commerce commission, 58th Congress.—Report upon bill H. R. 18588.

Vol. 2, Testimony, April 17—May 6, 1905.

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Vol. 5, Appendices.—A. Railway act of the Dominion of Canada, 1903.—B. British railway laws and regulations.—C. French railways—How their operation is controlled by Government regulations (Colson).—D. Complaints and cases brought before the Interstate commerce commission and the courts involving violations of the act to regulate commerce and amendments thereof.—E. (pt. 1). Briefs filed with the Interstate commerce commission in the matter of the inland port differentials on import and export traffic to and from North Atlantic ports by commercial organizations . . . —E. (pt. 2). Report and opinion of the Interstate commerce commission in the matter of differential freight rates to and from North Atlantic ports. April 27, 1905.—F. (pt. 1). Federal statutes on interstate commerce, annotated. Chapter from "Federal statutes annotated," vol. 3, comp. by W. M. McKinney and P. C. Kemper, jr. . . . 1904.—F. (pt. 2). Federal courts and the orders of the Interstate commerce commission. By H. T. Newcomb.—G. Before the Interstate commerce commission—Transportation of dressed meats and packing-house products—Orders and testimony.—H. Report and opinion of the Interstate commerce commission in the case of the Milk producers' protective association, complainant, *v.* the Delaware, Lackawanna and Western and other railway companies, defendants. March 13, 1897.—I. Statutes of the United States—Act to regulate commerce (as amended) and acts supplementary thereto; also so-called trust laws . . . comp. by Joel Grayson.—J. Laws of the states and territories concerning employers' liability. . . . N. History of bills and resolutions in Congress respecting federal regulation of railways. 1862—1904. . . .

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Appendices: I. Interstate commerce law, with changes and amendments indicated, comp. by H. T. Newcomb. II. Freight rates via railway routes. Data supplied by Mr. J. M. Smith. III. Long and short haul rates. IV. Freight rates by water routes. V. Import rates. VI. Concentration of railway control in the United States, by W. J. Meyers. VII. Synopsis of cases of alleged discrimination other than in tariff rates . . . by H. M. Bowman. VIII. Statistics of railways in the United States.

— 59th Congress, 1st session. House report no. 2491. Regulation of corporations. Report from the Committee on the judiciary. March 23, 1906. 26 pp. 8°.

"In answer to the foregoing resolution of inquiry the committee is of the opinion: First. That the commerce clause of the Constitution does not confer upon Congress the power to regulate or control the business of insurance. Second. That the Constitution does not confer upon Congress the power to regulate or control State corporations operating within the States, except so far as they may be engaged in interstate commerce."

— Supreme court. October term, 1903. The Northern securities company and others *vs.* the United States. Opinion delivered by Mr. Justice Harlan, with concurring and dissenting opinions. Delivered March 14, 1904. March 28, 1904.—Ordered printed.

Washington: Government printing office, 1904. 72 pp. 8°. (58th Congress, 2d session. Senate Doc. no. 232.)

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Wilgus, Horace La Fayette. A national incorporation law. I. Need of a national incorporation law. II. A proposed national incorporation law.

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Chicago: University press, 1904. 106 pp. 8°.

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1903. Federal incorporation for companies engaged in interstate commerce. Henry W. Palmer. *National corporation reporter*, vol. 27 (Nov. 26, 1903) : 376-377.

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1904. One phase of federal power under the commerce clause of the Constitution. John C. Donnelly. *Michigan law review*, vol. 2 (May, 1904) : 670-686.

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1904. The Northern securities case. James Wilford Garner.
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foreign commerce. David Walter Brown.
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to amend or repeal charters of incorporation. Horace
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1905. Federal law of corporations.
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quet of the Union league.
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 Contends that the objections to incorporation apply with
 still greater force to Federal license."

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Saturday review, vol. 99 (Feb. 4, 1905) : 136-137.

— 1905. Two objections to federal license.
World's work, vol. 9 (Feb., 1905) : 5779-5780.

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American law review, vol. 39 (Mar.-Apr., 1905) : 182-186.

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1905. The concurrent power of the states to regulate interstate and foreign commerce. David Walter Brown.
Columbia law review, vol. 5 (April, 1905) : 298-311.
 Summarizes decided cases to show that at the passage of the Sherman antitrust act in 1890 it had been well worked out that the indirect effect upon interstate and foreign commerce proceeding from the regulation of its incidents by the States was not obnoxious to the Constitution, while the Northern Securities case presented a clear example of restraint which was not direct in fact but the presence only of a power to restrain, "and the court, departing from the principles of eighty years, held the mere power to restrain to be actual direct restraint."

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1905. The exclusiveness of the power of Congress over interstate and foreign commerce. James S. Rogers.
American law register, vol. 53 (Sept., 1905) : 529-571; (Oct., 1905) : 593-640.
 "This article is an endeavor to clarify the subject . . . and, as a result, to show that only the exclusive theory is sound."

1905. Constitutional law: reserved power of legislature to alter or repeal charters of corporations.
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1905. Federal control of interstate commerce. Harry Earl Montgomery.
American academy of political and social science, Annals, vol. 26 (Nov. 1905) : 642-654.

1905. Past experience of federal responsibility for corporations.
Commercial & financial chronicle, vol. 81 (Dec. 30, 1905) : 1818-1820.

1905. The insurance investigations. Charles Bulkley Hubbell.
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1906. Congress, and the regulation of corporations. E. Parmalee Prentice.
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Argues that the “power to regulate freights and fares for interstate transport” does not belong to the states as decided by the Supreme Court in *Wabash Railroad Co. v. Illinois*, in 1886. “The states being thus deprived of the power to regulate interstate rates, the doctrine has now become current that the Constitution gave this power to Congress.” This proposition is examined in the light of precedent and constitutional interpretation with the conclusion that Congress has no control in the matter. So that the Constitution does not permit interference either by the States or Congress.

1906. Federal regulation of quarantine. W. E. Walz.
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“Maintaining that Congress has control over quarantine, so far as interstate and foreign relations are concerned, under the commerce clause of the Constitution.” (Harvard law review, Mar., 1906, page 393.)

1906. New fields for federal power.
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“In so far as it has made control of corporations by the states impossible, its effect has been largely pernicious.”

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National corporation reporter, vol. 32 (Aug. 2, 1906) : 849-850.

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Inter-nation, vol. 1 (Mar., 1907) : 53-63.

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